

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Will L. Culpepper et al.**)
Application No. **09/839,616**) Art Unit: **3651**
Filed: **April 20, 2001**) Examiner: **Joseph Valenza**
For: **Article Transport, Meterer and Loader**)

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22315-1450

PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION

Sir:

It is respectfully requested that the above-identified application, which was unintentionally abandoned, be revived.

As can be noted by the file history, the application was filed on April 20, 2001. As Assistant General Counsel and Senior IP Counsel for the Assignee (the Mead Corporation – now MeadWestvaco) in our offices in Smyrna, Georgia, I was generally responsible for prosecution of the above-referenced patent application, although direct responsibility was assigned to another in-house attorney, who drafted, filed, and initially prosecuted the application.

A Notice to File Corrected Application Papers was mailed on June 15, 2001. On January 2, 2002, a Petition to Revive was filed together with the Response to the Notice to File Corrected Application Papers. On February 7, 2002, the Petition was dismissed as moot. On April 19, 2002, a final Office Action was mailed.

Around this time, the responsible in-house attorney for this application was transferred to our satellite office in New York. As of today, no replacement for this

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attorney has been made. While the non-final action was docketed, the response date was missed due to oversight.

A Notice of Abandonment was mailed on December 10, 2002. The attorney of record was in the New York office, and our staff in Smyrna mistakenly believed that the application could not be reinstated. On or about February 2006, I requested that an outside attorney review the application. That attorney rendered an opinion that a petition to revive the application may be filed, as the actual abandonment of the application was indeed unintentional. Our petition to revive filed on May 26, 2006 was dismissed on June 27, 2006 because it was signed by an attorney that was not of record as of the date of the unintentional abandonment. This petition is submitted for entry in its place.

Enclosed herewith are:

- a resubmission of the Response to the Final Office Action; and
- the petition fee required under 37 C.F.R. § 1.17(m).

Since this application was filed after June 8, 1995, no terminal disclaimer is required.

The entire delay in filing the required reply to the Official Action mailed April 19, 2002 until the filing of this petition was unintentional. Therefore, it is respectfully requested that the present case, which was unintentionally abandoned, be revived.

Respectfully submitted,



Thomas A. Boshinski
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Date: August 21, 2006
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Docket No: D-3032-1